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REMARKS

Claims 1-9 remain in this application. Claims 1-3 and 9 have been amended. An abstract has also been provided.

Applicant thanks the Examiner for the indication that claims 2-5 contain allowable subject matter. Claims 2 and 3 have been amended into independent form to include all of the features from their base claim, and are therefore in condition for allowance.

Claims 1-8 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant submits that the above amendments to the claims place all claims into compliance with 35 U.S.C. § 112. In particular, all method claims 1-8 now clearly set forth the steps of the invention. Accordingly, withdrawal of the rejection under 35 U.S.C. § 112 is respectfully requested.

Claims 1, 6, and 8-9 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by, or in the alternative, under 35 U.S.C. § 103(a) as being obvious over Stonehouse (WO 99/43561). Stonehouse is relied upon for allegedly disclosing a method of making a package with an emptying hole wherein the paper layer is coated with plastic and the emptying hole does not penetrate fully through the layers as claimed. Stonehouse is also relied upon for allegedly disclosing cutting with a laser and a separate pouring element outside of the package in the area of the emptying hole.

Applicant submits that Stonehouse does not disclose or suggest the novel combination of method steps claimed in independent claim 1, including removing the parts of the packaging blank located inside the incision lines for the formation of the emptying holes which, from the other side of the web, are still closed by the unruptured or intact

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metal foil or coating. While the Office Action does recognize that Stonehouse does not disclose the parts of the packaging blank located inside the incision lines being sucked or drawn away from the packaging blank with the aid of a vacuum, Applicant submits that Stonehouse does not disclose the step of removing the parts of the packaging blank inside the incision lines, regardless of the method used. Accordingly, Applicant submits that Stonehouse neither discloses nor suggests the novel combinations of features now clearly claimed in method claim 1 and apparatus claim 9. All claims 1-9 are therefore in condition for allowance.

Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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